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RUEHLM/AMEMBASSY COLOMBO 1160
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RUEHKO/AMEMBASSY TOKYO 2292
RUEHWL/AMEMBASSY WELLINGTON 2896
RUEHHK/AMCONSUL HONG KONG 2848
RUEHBA/AMCONSUL PERTH 1001
RUEAIIA/CIA WASHDC
RHEFDIA/DIA WASHINGTON DC
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C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 001463

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E.O. 12958: DECL: 07/31/2018
TAGS: [PGOV](#) [PTER](#) [ASEC](#) [ID](#) [AS](#)
SUBJECT: FACING EXECUTION, BALI BOMBERS TO LAUNCH
LAST-DITCH APPEAL

REF: A. JAKARTA 1458
[1](#)B. JAKARTA 1415 AND PREVIOUS

Classified By: Pol/C Joseph L. Novak, for reasons 1.4(b+d).

[1](#)1. (C) SUMMARY: Facing what seems to be certain execution, the Bali bombers plan to launch a last-ditch appeal. The appeal would be on constitutional grounds, to the effect that execution by firing squad--which is the mandated mode in Indonesia--is "torture" and thus prohibited. Most observers think this latest effort will fail, but it could take time to work through the system. If the appeal process is even slightly drawn out, the execution timeframe could be pushed beyond the fasting month of Ramadan--September this year. In the meantime, the GOI is reportedly tightening security around the prison that holds the bombers. END SUMMARY.

A LAST-DITCH APPEAL

[1](#)2. (SBU) The Bali bombers are not throwing in the towel just yet. Facing what appears to be certain execution after they used up all appeals to the Indonesian Supreme Court, the Bali bombers' plan to appeal to Indonesia's Constitutional Court. (Note: Per Ref B, the Supreme Court recently turned down the bombers' last formal "review." The unrepentant bombers were convicted of killing over 200 people in the October 2002 attacks in Kuta, Bali.)

[1](#)3. (SBU) The Constitutional Court, which operates in parallel with the Supreme Court, reviews--as its name implies--issues related to the country's constitution, focusing on cases involving the rights of citizens versus the

government. According to the lawyers for the terrorists, execution by firing squad--the Indonesian government's mandated mode--is "torture" and thus unconstitutional. The lawyers say that they plan to submit the appeal on such grounds--and several other, less central matters--next week.

TAKING IT TO THE CONSTITUTIONAL COURT

¶4. (C) The whole effort to launch an appeal to the Constitutional Court appears to be a long shot. In a July 31 conversation with Pol/C, Michael Bliss, the Australian Embassy Pol/C, related that he had heard that the Constitutional Court would move to reject the appeal "fairly quickly." (Note: Australia follows the Bali bomber case very closely due to the fact that many of the victims were Australian nationals.) He went on to note, however, that the review by the Constitutional Court might take one or two weeks. There was also the slim possibility that the Court could indeed find that the mode of execution was unconstitutional, which no doubt would cause additional delays.

¶5. (C) A GOI contact agrees with this perspective. In a conversation with DepPol/C, Dharmawan Ronodipuro of the Coordinating Ministry for Political, Legal and Social Affairs, said the government was not wholly surprised by this line of appeal. The bombers had previously expressed a preference for beheading--which is considered more Islamic--or death by lethal injection. It was possible that the Court could move quickly to reject the appeal. At the

JAKARTA 00001463 002 OF 002

same time, there was a possibility that the Court could examine the matter on its merits, which would take time, he said.

TIGHTENING SECURITY

¶6. (SBU) According to press reports and Mission contacts, the GOI is tightening security at the prison that holds the bombers. The maximum security prison is on Nusa Kambangan, an island located off of central Java. The warden of the prison stated that the government was carefully reviewing the security situation and was screening all visitors to the area. He was quoted as stating: "We have asked every officer to keep an eye on all visitors at Nusa Kambangan, especially those linked with the Bali bombers. If we have to, we will deny visitation permits to anyone other than the families and lawyers of the inmates."

A POSSIBLE DELAY

¶7. (C) If the latest appeal is even slightly drawn out, the execution timeframe could be pushed past the fasting month of Ramadan--September this year--and into October, or even beyond. (Note: Ramadan is a very holy month for Muslims and the GOI almost certainly would not execute anyone during that timeframe.) That said, it is still possible that the executions could happen in August.

¶8. (C) In the meantime, it seems possible that if the latest legal maneuver fails, the terrorists might finally try a clemency request to the President's Office. Thus far, however, they have reiterated that they have no plans to do that (apparently because they do not want to be seen as apologetic in any way for the mass killings they committed and have freely bragged about). On the GOI's part, it remains committed to pressing for justice, but the long, slow legal process has to play out.

HUME